

1 AN ACT relating to reorganization, making an appropriation therefor, and declaring  
2 an emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. KRS CHAPTER 324B IS ESTABLISHED AND A NEW  
5 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

6 *As used in this chapter, unless the context requires otherwise:*

7 *(1) "Cabinet" means the Public Protection Cabinet;*

8 *(2) "Commissioner" means the commissioner of the Department of Professional*  
9 *Licensing;*

10 *(3) "Department" means the Department of Professional Licensing;*

11 *(4) "Executive director" means the executive director for Real Estate Professions;*  
12 *and*

13 *(5) (a) "Real property board" means:*

14 *1. Kentucky Board of Home Inspectors, established under KRS 198B.700*  
15 *to 198B.738;*

16 *2. Kentucky Real Estate Commission, established under KRS Chapter*  
17 *324;*

18 *3. Real Estate Appraisers Board, established under KRS Chapter 324A;*  
19 *or*

20 *4. Board of Auctioneers, established under KRS Chapter 330; and*

21 *(b) "Real property boards" means a combination of all the boards listed in*  
22 *paragraph (a) of this subsection.*

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 324B IS CREATED TO  
24 READ AS FOLLOWS:

25 *The Department of Professional Licensing is hereby created within the Public*  
26 *Protection Cabinet. The department shall be managed by a commissioner, who shall be*  
27 *appointed by the Governor. The department, in addition to its other duties as*

1 designated by law, shall supervise and have authority over the executive director.

2 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 324B IS CREATED TO  
3 READ AS FOLLOWS:

4 (1) The executive director for Real Estate Professions shall serve within the  
5 Department of Professional Licensing and shall be managed by the  
6 commissioner. The executive director shall be appointed by the secretary of the  
7 Public Protection Cabinet, with prior written approval from the Governor. The  
8 executive director shall be exempted from the classified service.

9 (2) With the approval of the commissioner, the executive director and his or her staff  
10 may enlist assistance to implement the duties and responsibilities of the executive  
11 director by entering into agreements with any:

12 (a) State agency or political subdivision of the state;

13 (b) Postsecondary institution; or

14 (c) Other person or entity.

15 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 324B IS CREATED TO  
16 READ AS FOLLOWS:

17 The executive director shall:

18 (1) Provide government oversight of the real property boards;

19 (2) Review and approve any administrative regulation proposed by the real property  
20 boards prior to the promulgation of the administrative regulation;

21 (3) Serve as appointing authority for any personnel hired by the real property  
22 boards;

23 (4) Review and approve the budgets and expenditures of the real property boards;

24 (5) Pursuant to KRS 13B.120(7), automatically hear and issue a final order  
25 regarding any decision of a real property board that would otherwise be subject to  
26 appeal. An aggrieved party may appeal a final order of the executive director to  
27 the Franklin Circuit Court pursuant to KRS Chapter 13B within thirty (30) days

- 1       after the issuance of the order;
- 2       (6) Make available for public inspection all decisions, opinions, and interpretations
- 3       formulated or used by the executive director in discharging his or her functions;
- 4       (7) Carry out the policy and program directives of the department;
- 5       (8) Prepare annual reports on the executive director's activities;
- 6       (9) Delegate any power to his or her employees and contractors as needed;
- 7       (10) Have at least ten (10) years of experience in one (1) of the professions under the
- 8       jurisdiction of a real property board, and shall be active in that profession at the
- 9       time of his or her appointment as the executive director; and
- 10       (11) Perform all other duties assigned by law.

11       ➔Section 5. KRS 224.10-052 is repealed, reenacted as a new section of KRS

12 Chapter 324B, and amended to read as follows:

- 13       (1) The Department of Professional Licensing~~[Office of Occupations and Professions]~~
- 14       in the Public Protection Cabinet shall provide administrative services, technical
- 15       assistance, and advice to the following boards and commissions at the request of the
- 16       individual boards or commissions, all of which maintain their identity and their full
- 17       authority for making policy decisions in the fields that they regulate: the State Board
- 18       of Accountancy, the Kentucky Board of Architects, the Kentucky Board of
- 19       Barbering, the Kentucky Board of Hairdressers and Cosmetologists, the State Board
- 20       of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky
- 21       Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State
- 22       Board of Registration for Professional Engineers and Land Surveyors, the Kentucky
- 23       Board of Nursing, the Kentucky Board of Ophthalmic Dispensers, the Kentucky
- 24       Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board
- 25       of Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky
- 26       Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board
- 27       of Auctioneers, the Kentucky Board of Landscape Architects, the State Board of

1 Medical Licensure, the Board of Speech-Language Pathology and Audiology, the  
2 Kentucky Board of Licensure for Nursing Home Administrators, the Kentucky  
3 Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of  
4 Social Work, and ~~any[such]~~ other boards and commissions ~~that[as]~~ are created to  
5 license, certify, register, or otherwise regulate any occupational or professional  
6 category.

7 (2) The ~~department[office]~~ may also provide administrative services to a board or  
8 commission that is created to license, certify, register, or otherwise regulate any  
9 occupational or professional category if these administrative services are deemed to  
10 be preferable or required after the review process conducted under Section 6 of this  
11 Act~~[KRS 224.10-053]~~.

12 (3) To the extent that the ~~department[office]~~ provides administrative services, the  
13 respective boards and commissions are relieved of the power and duty to provide  
14 the services for themselves. The ~~department[office]~~ shall charge each board or  
15 commission a reasonable amount for administrative services provided pursuant to  
16 subsection (1) of this section. The ~~department[office]~~ may employ persons  
17 previously employed by boards or commissions.

18 (4) The ~~department[office]~~ may receive complaints against the conduct of licensees  
19 granted licensure by the boards and commissions assigned to the ~~department[office]~~  
20 for administrative purposes. The ~~department[office]~~ shall cause ~~these[such]~~  
21 complaints to be reduced to writing and forwarded to the appropriate board or  
22 commission for investigation and a determination of the validity of the complaint.  
23 The ~~department[office]~~ shall keep a record of all complaints received by it and  
24 forwarded to a board or commission.

25 (5) Any board or commission listed in subsection (1) of this section, shall accept  
26 personal checks in payment of license renewal fees.

27 (6) The department shall have direct authority and control over the executive director

1       *for Real Estate Professions.*

2       ➔Section 6. KRS 224.10-053 is repealed, reenacted as a new section of KRS  
3 Chapter 324B, and amended to read as follows:

4       (1) As used in this section, "independent board or commission" means an executive  
5 branch agency created by statute that serves the primary purpose of licensing,  
6 certifying, registering, or otherwise regulating any occupational or professional  
7 category. "Independent board or commission" does not include:

8       (a) An executive branch board or commission that is a part of another executive  
9 branch agency;

10       (b) Any board or commission that is under the authority or jurisdiction of the  
11 General Assembly or the judicial branch; or

12       (c) Any board or commission within any branch of state government if that board  
13 or commission is expressly designed to:

- 14               1. Study, report, or make recommendations regarding a particular issue; or  
15               2. Expire within a time certain.

16       (2) Any independent board or commission that is created after July 15, 2010, shall use  
17 the administrative services of the *Department of Professional Licensing*~~[Office of~~  
18 ~~Occupations and Professions]~~ as described under *Section 5 of this Act*~~[KRS 224.10-~~  
19 ~~052]~~ unless that board or commission can reasonably demonstrate to the satisfaction  
20 of the *department*~~[division]~~ that it will license, certify, register, or otherwise  
21 regulate at least one hundred (100) persons. If the board or commission is able to  
22 initially demonstrate that it will reach the threshold established in this subsection  
23 and then fails to license, certify, register, or otherwise regulate at least one hundred  
24 (100) persons at the end of any two (2) consecutive fiscal years, that board or  
25 commission shall be subject to the process required in subsection (4) of this section.

26       (3) Any independent board or commission that was created before July 15, 2010, shall  
27 undergo the process required in subsection (4) of this section if that board or

1 commission licenses, certifies, registers, or otherwise regulates less than one  
2 hundred (100) persons at the end of any two (2) consecutive fiscal years ending on  
3 or after June 30, 2010.

4 (4) (a) If an independent board or commission fails to regulate one hundred (100) or  
5 more persons for two (2) consecutive fiscal years as described in subsections  
6 (2) and (3) of this section, that board or commission shall submit a report  
7 within ninety (90) days after the close of the second of the two (2) fiscal years  
8 to the Department of Professional Licensing~~Office of Occupations and~~  
9 ~~Professions~~ and to the Interim Joint Committee on Licensing and  
10 Occupations of the Legislative Research Commission or to the corresponding  
11 standing committees of the General Assembly. The report shall contain, at a  
12 minimum:

- 13 1. The number of persons licensed, certified, registered, or otherwise  
14 regulated by the board or commission at the close of each of the two (2)  
15 fiscal years;
- 16 2. A detailed accounting of the revenues, fees collected, board or  
17 commission member reimbursements or per diems, staff salaries, costs,  
18 expenses, and other financial activities of the board or commission for  
19 each of the two (2) fiscal years; and
- 20 3. The board or commission's plan to:
  - 21 a. Increase the number of persons it licenses, certifies, registers, or  
22 otherwise regulates to one hundred (100) or more persons;
  - 23 b. Merge with one (1) or more other boards, commissions, or other  
24 governmental entities, which will result in a merged entity that will  
25 license, certify, register, or otherwise regulate one hundred (100)  
26 or more persons; or
  - 27 c. Allow the Department of Professional Licensing~~Office of~~

1                   ~~Occupations and Professions]~~ to assume administrative duties for  
2                   the board or commission as described in **Section 5 of this**  
3                   **Act**~~[KRS 224.10-052]~~.

4           (b) If, after implementation of its plan under paragraph (a)3.a. or b. of this  
5           subsection, an independent board or commission fails to license, certify,  
6           register, or otherwise regulate one hundred (100) or more persons for an  
7           additional three (3) consecutive fiscal years, for a total of five (5) consecutive  
8           fiscal years, that board or commission shall allow the **Department of**  
9           **Professional Licensing**~~[Office of Occupations and Professions]~~ to assume  
10          administrative duties for the board or commission as described in **Section 5 of**  
11          **this Act**~~[KRS 224.10-052]~~ within ninety (90) days after the end of the fifth  
12          fiscal year.

13          ➔Section 7. KRS 12.020 is amended to read as follows:

14       Departments, program cabinets and their departments, and the respective major  
15       administrative bodies that they include are enumerated in this section. It is not intended  
16       that this enumeration of administrative bodies be all-inclusive. Every authority, board,  
17       bureau, interstate compact, commission, committee, conference, council, office, or any  
18       other form of organization shall be included in or attached to the department or program  
19       cabinet in which they are included or to which they are attached by statute or statutorily  
20       authorized executive order; except in the case of the Personnel Board and where the  
21       attached department or administrative body is headed by a constitutionally elected officer,  
22       the attachment shall be solely for the purpose of dissemination of information and  
23       coordination of activities and shall not include any authority over the functions,  
24       personnel, funds, equipment, facilities, or records of the department or administrative  
25       body.

26       I.    Cabinet for General Government - Departments headed by elected officers:

27           (1)   The Governor.

- 1       (2) Lieutenant Governor.
- 2       (3) Department of State.
- 3           (a) Secretary of State.
- 4           (b) Board of Elections.
- 5           (c) Registry of Election Finance.
- 6       (4) Department of Law.
- 7           (a) Attorney General.
- 8       (5) Department of the Treasury.
- 9           (a) Treasurer.
- 10       (6) Department of Agriculture.
- 11           (a) Commissioner of Agriculture.
- 12           (b) Kentucky Council on Agriculture.
- 13       (7) Auditor of Public Accounts.
- 14   II. Program cabinets headed by appointed officers:
- 15       (1) Justice and Public Safety Cabinet:
- 16           (a) Department of Kentucky State Police.
- 17           (b) Department of Criminal Justice Training.
- 18           (c) Department of Corrections.
- 19           (d) Department of Juvenile Justice.
- 20           (e) Office of the Secretary.
- 21           (f) Office of Drug Control Policy.
- 22           (g) Office of Legal Services.
- 23           (h) Office of the Kentucky State Medical Examiner.
- 24           (i) Parole Board.
- 25           (j) Kentucky State Corrections Commission.
- 26           (k) Office of Legislative and Intergovernmental Services.
- 27           (l) Office of Management and Administrative Services.



- 1 (m) Department for Public Advocacy.
- 2 (2) Education and Workforce Development Cabinet:
- 3 (a) Office of the Secretary.
- 4 1. Governor's Scholars Program.
- 5 2. Governor's School for Entrepreneurs Program.
- 6 (b) Office of Legal and Legislative Services.
- 7 1. Client Assistance Program.
- 8 (c) Office of Communication.
- 9 (d) Office of Budget and Administration.
- 10 1. Division of Human Resources.
- 11 2. Division of Administrative Services.
- 12 (e) Office of Technology Services.
- 13 (f) Office of Educational Programs.
- 14 (g) Office for Education and Workforce Statistics.
- 15 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 16 (i) Board of Directors for the Center for School Safety.
- 17 (j) Department of Education.
- 18 1. Kentucky Board of Education.
- 19 2. Kentucky Technical Education Personnel Board.
- 20 (k) Department for Libraries and Archives.
- 21 (l) Department of Workforce Investment.
- 22 1. Office for the Blind.
- 23 2. Office of Vocational Rehabilitation.
- 24 3. Office of Employment and Training.
- 25 a. Division of Grant Management and Support.
- 26 b. Division of Workforce and Employment Services.
- 27 c. Division of Unemployment Insurance.

- 1 (m) Foundation for Workforce Development.
- 2 (n) Kentucky Office for the Blind State Rehabilitation Council.
- 3 (o) Kentucky Workforce Investment Board.
- 4 (p) Statewide Council for Vocational Rehabilitation.
- 5 (q) Unemployment Insurance Commission.
- 6 (r) Education Professional Standards Board.
  - 7 1. Division of Educator Preparation.
  - 8 2. Division of Certification.
  - 9 3. Division of Professional Learning and Assessment.
  - 10 4. Division of Legal Services.
- 11 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 12 (t) Kentucky Educational Television.
- 13 (u) Kentucky Environmental Education Council.
- 14 (3) Energy and Environment Cabinet:
  - 15 (a) Office of the Secretary.
    - 16 1. Office of Legislative and Intergovernmental Affairs.
    - 17 2. Office of General Counsel.
    - 18 3. Office of Administrative Hearings.
    - 19 4. Mine Safety Review Commission.
    - 20 5. Kentucky State Nature Preserves Commission.
    - 21 6. Kentucky Environmental Quality Commission.
    - 22 7. Kentucky Public Service Commission.
  - 23 (b) Department for Environmental Protection.
    - 24 1. Office of the Commissioner.
    - 25 2. Division for Air Quality.
    - 26 3. Division of Water.
    - 27 4. Division of Environmental Program Support.

- 1                   5.    Division of Waste Management.
- 2                   6.    Division of Enforcement.
- 3                   7.    Division of Compliance Assistance.
- 4           (c)   Department for Natural Resources.
- 5                   1.    Office of the Commissioner.
- 6                   2.    Division of Technical and Administrative Support.
- 7                   3.    Division of Mine Permits.
- 8                   4.    Division of Mine Reclamation and Enforcement.
- 9                   5.    Division of Abandoned Mine Lands.
- 10                  6.    Division of Oil and Gas.
- 11                  7.    Division of Mine Safety.
- 12                  8.    Division of Forestry.
- 13                  9.    Division of Conservation.
- 14                  10.   Office of the Reclamation Guaranty Fund.
- 15                  11.   Kentucky Mining Board.
- 16           (d)   Department for Energy Development and Independence.
- 17                   1.    Division of Efficiency and Conservation.
- 18                   2.    Division of Renewable Energy.
- 19                   3.    Division of Biofuels.
- 20                   4.    Division of Energy Generation Transmission and Distribution.
- 21                   5.    Division of Carbon Management.
- 22                   6.    Division of Fossil Energy Development.
- 23           (4)   Public Protection Cabinet.
- 24                   (a)   Office of the Secretary.
- 25                    1.    Office of Communications and Public Outreach.
- 26                    2.    Office of Legal Services.
- 27                      a.    Insurance Legal Division.

- 1                               b.     Charitable Gaming Legal Division.
- 2                               c.     Alcoholic Beverage Control Legal Division.
- 3                               d.     Housing, Buildings and Construction Legal Division.
- 4                               e.     Financial Institutions Legal Division.
- 5                   (b)   Crime Victims Compensation Board.
- 6                   (c)   Board of Claims.
- 7                   (d)   Kentucky Board of Tax Appeals.
- 8                   (e)   Kentucky Boxing and Wrestling Authority.
- 9                   (f)   Kentucky Horse Racing Commission.
- 10                   1.    Division of Licensing.
- 11                   2.    Division of Incentives and Development.
- 12                   3.    Division of Veterinary Services.
- 13                   4.    Division of Security and Enforcement.
- 14                   (g)   Department of Alcoholic Beverage Control.
- 15                   1.    Division of Distilled Spirits.
- 16                   2.    Division of Malt Beverages.
- 17                   3.    Division of Enforcement.
- 18                   (h)   Department of Charitable Gaming.
- 19                   1.    Division of Licensing and Compliance.
- 20                   2.    Division of Enforcement.
- 21                   (i)   Department of Financial Institutions.
- 22                   1.    Division of Depository Institutions.
- 23                   2.    Division of Non-Depository Institutions.
- 24                   3.    Division of Securities.
- 25                   (j)   Department of Housing, Buildings and Construction.
- 26                   1.    Division of Fire Prevention.
- 27                   2.    Division of Plumbing.

- 1                   3.    Division of Heating, Ventilation, and Air Conditioning.
- 2                   4.    Division of Building Code Enforcement.
- 3           (k)   Department of Insurance.
- 4                   1.    Property and Casualty Division.
- 5                   2.    Health and Life Division.
- 6                   3.    Division of Financial Standards and Examination.
- 7                   4.    Division of Agent Licensing.
- 8                   5.    Division of Insurance Fraud Investigation.
- 9                   6.    Consumer Protection Division.
- 10                  7.    Division of Kentucky Access.
- 11           (l)   *Department of Professional Licensing*~~[Office of Occupations and~~
- 12                   Professions].
- 13           (5)   Labor Cabinet.
- 14                   (a)   Office of the Secretary.
- 15                   1.    Division of Management Services.
- 16                   2.    Office of General Counsel.
- 17                   (b)   Office of General Administration and Program Support for Shared
- 18                   Services.
- 19                   1.    Division of Human Resource Management.
- 20                   2.    Division of Fiscal Management.
- 21                   3.    Division of Budgets.
- 22                   4.    Division of Information Services.
- 23                   (c)   Office of Inspector General for Shared Services.
- 24                   (d)   Department of Workplace Standards.
- 25                   1.    Division of Employment Standards, Apprenticeship, and
- 26                   Mediation.
- 27                   2.    Division of Occupational Safety and Health Compliance.

- 1                   3.    Division of Occupational Safety and Health Education and
- 2                   Training.
- 3                   4.    Division of Workers' Compensation Funds.
- 4           (e)    Department of Workers' Claims.
- 5                   1.    Office of General Counsel for Workers' Claims.
- 6                   2.    Office of Administrative Law Judges.
- 7                   3.    Division of Claims Processing.
- 8                   4.    Division of Security and Compliance.
- 9                   5.    Division of Information and Research.
- 10                  6.    Division of Ombudsman and Workers' Compensation Specialist
- 11                  Services.
- 12                  7.    Workers' Compensation Board.
- 13                  8.    Workers' Compensation Advisory Council.
- 14                  9.    Workers' Compensation Nominating Commission.
- 15           (f)    Workers' Compensation Funding Commission.
- 16           (g)    Kentucky Labor-Management Advisory Council.
- 17           (h)    Occupational Safety and Health Standards Board.
- 18           (i)    Prevailing Wage Review Board.
- 19           (j)    Apprenticeship and Training Council.
- 20           (k)    State Labor Relations Board.
- 21           (l)    Employers' Mutual Insurance Authority.
- 22           (m)    Kentucky Occupational Safety and Health Review Commission.
- 23    (6)    Transportation Cabinet:
- 24           (a)    Department of Highways.
- 25                   1.    Office of Project Development.
- 26                   2.    Office of Project Delivery and Preservation.
- 27                   3.    Office of Highway Safety.

- 1                   4.    Highway District Offices One through Twelve.
- 2                   (b)   Department of Vehicle Regulation.
- 3                   (c)   Department of Aviation.
- 4                   (d)   Department of Rural and Municipal Aid.
  - 5                   1.    Office of Local Programs.
  - 6                   2.    Office of Rural and Secondary Roads.
  - 7                   (e)   Office of the Secretary.
    - 8                   1.    Office of Public Affairs.
    - 9                   2.    Office for Civil Rights and Small Business Development.
    - 10                  3.    Office of Budget and Fiscal Management.
    - 11                  4.    Office of Inspector General.
    - 12                  (f)   Office of Support Services.
    - 13                  (g)   Office of Transportation Delivery.
    - 14                  (h)   Office of Audits.
    - 15                  (i)   Office of Human Resource Management.
    - 16                  (j)   Office of Information Technology.
    - 17                  (k)   Office of Legal Services.
  - 18                  (7)   Cabinet for Economic Development:
    - 19                  (a)   Office of the Secretary.
      - 20                  1.    Office of Legal Services.
      - 21                  2.    Department for Business Development.
        - 22                  a.    Office of Entrepreneurship.
          - 23                  i.    Commission on Small Business Advocacy.
        - 24                  b.    Office of Research and Public Affairs.
        - 25                  c.    Bluegrass State Skills Corporation.
      - 26                  3.    Office of Financial Services.
        - 27                  a.    Kentucky Economic Development Finance Authority.

- 1                           b.    Division of Finance and Personnel.
- 2                           c.    Division of Network Administration.
- 3                           d.    Compliance Division.
- 4                           e.    Incentive Assistance Division.
- 5       (8)   Cabinet for Health and Family Services:
- 6               (a)   Office of the Secretary.
- 7               (b)   Office of Health Policy.
- 8               (c)   Office of Legal Services.
- 9               (d)   Office of Inspector General.
- 10              (e)   Office of Communications and Administrative Review.
- 11              (f)   Office of the Ombudsman.
- 12              (g)   Office of Policy and Budget.
- 13              (h)   Office of Human Resource Management.
- 14              (i)   Office of Administrative and Technology Services.
- 15              (j)   Department for Public Health.
- 16              (k)   Department for Medicaid Services.
- 17              (l)   Department for Behavioral Health, Developmental and Intellectual
- 18                      Disabilities.
- 19              (m)   Department for Aging and Independent Living.
- 20              (n)   Department for Community Based Services.
- 21              (o)   Department for Income Support.
- 22              (p)   Department for Family Resource Centers and Volunteer Services.
- 23              (q)   Kentucky Commission on Community Volunteerism and Service.
- 24              (r)   Kentucky Commission for Children with Special Health Care Needs.
- 25              (s)   Governor's Office of Electronic Health Information.
- 26       (9)   Finance and Administration Cabinet:
- 27               (a)   Office of General Counsel.



- 1 (b) Office of the Controller.
- 2 (c) Office of Administrative Services.
- 3 (d) Office of Public Information.
- 4 (e) Office of Policy and Audit.
- 5 (f) Department for Facilities and Support Services.
- 6 (g) Department of Revenue.
- 7 (h) Commonwealth Office of Technology.
- 8 (i) State Property and Buildings Commission.
- 9 (j) Office of Equal Employment Opportunity and Contract Compliance.
- 10 (k) Kentucky Employees Retirement Systems.
- 11 (l) Commonwealth Credit Union.
- 12 (m) State Investment Commission.
- 13 (n) Kentucky Housing Corporation.
- 14 (o) Kentucky Local Correctional Facilities Construction Authority.
- 15 (p) Kentucky Turnpike Authority.
- 16 (q) Historic Properties Advisory Commission.
- 17 (r) Kentucky Tobacco Settlement Trust Corporation.
- 18 (s) Kentucky Higher Education Assistance Authority.
- 19 (t) Kentucky River Authority.
- 20 (u) Kentucky Teachers' Retirement System Board of Trustees.
- 21 (v) Executive Branch Ethics Commission.
- 22 (10) Tourism, Arts and Heritage Cabinet:
- 23 (a) Kentucky Department of Travel and Tourism.
- 24 1. Division of Tourism Services.
- 25 2. Division of Marketing and Administration.
- 26 3. Division of Communications and Promotions.
- 27 (b) Kentucky Department of Parks.

- 1                   1.    Division of Information Technology.
- 2                   2.    Division of Human Resources.
- 3                   3.    Division of Financial Operations.
- 4                   4.    Division of Facilities Management.
- 5                   5.    Division of Facilities Maintenance.
- 6                   6.    Division of Customer Services.
- 7                   7.    Division of Recreation.
- 8                   8.    Division of Golf Courses.
- 9                   9.    Division of Food Services.
- 10                  10.   Division of Rangers.
- 11                  11.   Division of Resort Parks.
- 12                  12.   Division of Recreational Parks and Historic Sites.
- 13                  (c)   Department of Fish and Wildlife Resources.
- 14                   1.    Division of Law Enforcement.
- 15                   2.    Division of Administrative Services.
- 16                   3.    Division of Engineering.
- 17                   4.    Division of Fisheries.
- 18                   5.    Division of Information and Education.
- 19                   6.    Division of Wildlife.
- 20                   7.    Division of Public Affairs.
- 21                  (d)   Kentucky Horse Park.
- 22                   1.    Division of Support Services.
- 23                   2.    Division of Buildings and Grounds.
- 24                   3.    Division of Operational Services.
- 25                  (e)   Kentucky State Fair Board.
- 26                   1.    Office of Administrative and Information Technology Services.
- 27                   2.    Office of Human Resources and Access Control.

- 1                   3.    Division of Expositions.
- 2                   4.    Division of Kentucky Exposition Center Operations.
- 3                   5.    Division of Kentucky International Convention Center.
- 4                   6.    Division of Public Relations and Media.
- 5                   7.    Division of Venue Services.
- 6                   8.    Division of Personnel Management and Staff Development.
- 7                   9.    Division of Sales.
- 8                   10.   Division of Security and Traffic Control.
- 9                   11.   Division of Information Technology.
- 10                  12.   Division of the Louisville Arena.
- 11                  13.   Division of Fiscal and Contract Management.
- 12                  14.   Division of Access Control.
- 13           (f)   Office of the Secretary.
- 14                  1.    Office of Finance.
- 15                  2.    Office of Research and Administration.
- 16                  3.    Office of Governmental Relations and Tourism Development.
- 17                  4.    Office of the Sports Authority.
- 18                  5.    Kentucky Sports Authority.
- 19           (g)   Office of Legal Affairs.
- 20           (h)   Office of Human Resources.
- 21           (i)   Office of Public Affairs and Constituent Services.
- 22           (j)   Office of Creative Services.
- 23           (k)   Office of Capital Plaza Operations.
- 24           (l)   Office of Arts and Cultural Heritage.
- 25           (m)   Kentucky African-American Heritage Commission.
- 26           (n)   Kentucky Foundation for the Arts.
- 27           (o)   Kentucky Humanities Council.

- 1 (p) Kentucky Heritage Council.
- 2 (q) Kentucky Arts Council.
- 3 (r) Kentucky Historical Society.
- 4 1. Division of Museums.
- 5 2. Division of Oral History and Educational Outreach.
- 6 3. Division of Research and Publications.
- 7 4. Division of Administration.
- 8 (s) Kentucky Center for the Arts.
- 9 1. Division of Governor's School for the Arts.
- 10 (t) Kentucky Artisans Center at Berea.
- 11 (u) Northern Kentucky Convention Center.
- 12 (v) Eastern Kentucky Exposition Center.
- 13 (11) Personnel Cabinet:
- 14 (a) Office of the Secretary.
- 15 (b) Department of Human Resources Administration.
- 16 (c) Office of Employee Relations.
- 17 (d) Kentucky Public Employees Deferred Compensation Authority.
- 18 (e) Office of Administrative Services.
- 19 (f) Office of Legal Services.
- 20 (g) Governmental Services Center.
- 21 (h) Department of Employee Insurance.
- 22 (i) Office of Diversity and Equality.
- 23 (j) Center of Strategic Innovation.
- 24 III. Other departments headed by appointed officers:
- 25 (1) Council on Postsecondary Education.
- 26 (2) Department of Military Affairs.
- 27 (3) Department for Local Government.

- 1 (4) Kentucky Commission on Human Rights.
- 2 (5) Kentucky Commission on Women.
- 3 (6) Department of Veterans' Affairs.
- 4 (7) Kentucky Commission on Military Affairs.
- 5 (8) Office of Minority Empowerment.
- 6 (9) Governor's Council on Wellness and Physical Activity.

7 ➔Section 8. KRS 12.252 is amended to read as follows:

8 (1) There is established within the Public Protection Cabinet a Department of Financial  
9 Institutions, a Department of Insurance, a Department of Housing, Buildings and  
10 Construction, a Department of Charitable Gaming, a Department of Professional  
11 Licensing, and a Department of Alcoholic Beverage Control. Each department shall  
12 be headed by a commissioner appointed by the Governor as required by KRS  
13 12.040 and, where appropriate, by KRS 238.510, 241.015, and 304.2-020.  
14 Commissioners shall be directly responsible to the secretary and shall perform the  
15 functions, powers, and duties provided by law and prescribed by the secretary.

16 ~~(2) There is established within the Public Protection Cabinet an Office of Occupations~~  
17 ~~and Professions, which shall be headed by an executive director appointed by the~~  
18 ~~secretary with the approval of the Governor as required by KRS 12.050. The~~  
19 ~~executive director shall be directly responsible to the secretary and shall perform the~~  
20 ~~functions, powers, and duties provided by law and prescribed by the secretary.~~

21 ~~(3)~~ The secretary of the Public Protection Cabinet shall be appointed by the Governor  
22 in accordance with KRS 12.255. The Office of the Secretary shall contain the  
23 following entities:

- 24 (a) The Office of Communications and Public Outreach, which shall be headed  
25 by an executive director appointed by the secretary with the approval of the  
26 Governor in accordance with KRS 12.050; and
- 27 (b) The Office of Legal Services, which shall be headed by an executive director

1 appointed by the secretary with the approval of the Governor in accordance  
2 with KRS 12.050 and 12.210.

3 ~~(3)~~~~(4)~~ The following agencies are attached to the Public Protection Cabinet for  
4 administrative purposes only, except as provided in KRS 131.330:

- 5 (a) Crime Victims Compensation Board;
- 6 (b) Board of Claims;
- 7 (c) Kentucky Board of Tax Appeals;
- 8 (d) Kentucky Boxing and Wrestling Authority; and
- 9 (e) Kentucky Horse Racing Commission.

10 ➔Section 9. KRS 164.6903 is amended to read as follows:

11 As used in KRS 164.6901 to 164.6935, unless the context requires otherwise:

- 12 (1) "Agency contract" means an agreement in which a student-athlete authorizes a  
13 person to negotiate or solicit on behalf of the student-athlete a professional-sports-  
14 services contract or an endorsement contract;
- 15 (2) "Athlete agent" means an individual who enters into an agency contract with a  
16 student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter  
17 into an agency contract. The term includes an individual who represents to the  
18 public that the individual is an athlete agent. The term does not include a spouse,  
19 parent, sibling, grandparent, or guardian of the student-athlete or an individual  
20 acting solely on behalf of a professional sports team or professional sports  
21 organization;
- 22 (3) "Athletic director" means an individual responsible for administering the overall  
23 athletic program of an educational institution or, if an educational institution has  
24 separately administered athletic programs for male and female students, the athletic  
25 program for males or the athletic program for females, as appropriate;
- 26 (4) "Contact" means a communication, direct or indirect, between an athlete agent and a  
27 student-athlete, to recruit or solicit the student-athlete to enter into an agency

1 contract;

2 (5) **"Department" means the Department of Professional Licensing**~~["Office" means~~  
3 ~~the Office of Occupations and Professions]~~ in the Public Protection Cabinet;

4 (6) "Endorsement contract" means an agreement under which a student-athlete is  
5 employed or receives consideration to use on behalf of the other party any value that  
6 the student-athlete may have because of publicity, reputation, following, or fame  
7 obtained because of athletic ability or performance;

8 (7) "Intercollegiate sport" means a sport played at the collegiate level for which  
9 eligibility requirements for participation by a student-athlete are established by a  
10 national association for the promotion or regulation of collegiate athletics;

11 (8) "Person" means an individual, corporation, business trust, estate, trust, partnership,  
12 limited liability company, association, joint venture, or government; governmental  
13 subdivision, agency, or instrumentality; public corporation, or any other legal or  
14 commercial entity;

15 (9) "Professional-sports-services contract" means an agreement under which an  
16 individual is employed, or agrees to render services, as a player on a professional  
17 sports team, with a professional sports organization, or as a professional athlete;

18 (10) "Record" means information that is inscribed on a tangible medium or that is stored  
19 in an electronic or other medium and is retrievable in perceivable form;

20 (11) "Registration" means registration as an athlete agent pursuant to KRS 164.6901 to  
21 164.6935;

22 (12) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
23 the United States Virgin Islands, or any territory or insular possession subject to the  
24 jurisdiction of the United States; and

25 (13) "Student-athlete" means an individual who engages in, is eligible to engage in, or  
26 may be eligible in the future to engage in, any intercollegiate sport. If an individual  
27 is permanently ineligible to participate in a particular intercollegiate sport, the

1 individual is not a student-athlete for purposes of that sport.

2 ➔Section 10. KRS 164.6905 is amended to read as follows:

3 (1) By acting as an athlete agent in this state, a nonresident individual appoints the  
4 *Department of Professional Licensing*~~[Office of Occupations and Professions]~~ as  
5 the individual's agent for service of process in any civil action in this state related to  
6 the individual's acting as an athlete agent in this state.

7 (2) The *department*~~[office]~~ may issue subpoenas for any material that is relevant to the  
8 administration of KRS 164.6901 to 164.6935.

9 (3) The *department*~~[office]~~ may promulgate administrative regulations in accordance  
10 with KRS Chapter 13A that are necessary to carry out the provisions of KRS  
11 164.6901 to 164.6935.

12 ➔Section 11. KRS 164.6909 is amended to read as follows:

13 (1) An applicant for registration shall submit an application for registration to the  
14 *department*~~[office]~~ in a form prescribed by the *department*~~[office]~~. An application  
15 filed under this section is a public record. The application *shall*~~[must]~~ be in the  
16 name of an individual, and except as otherwise provided in subsection (2) of this  
17 section, signed or otherwise authenticated by the applicant under penalty of perjury  
18 and state or contain:

- 19 (a) The name of the applicant and the address of the applicant's principal place of  
20 business;
- 21 (b) The name of the applicant's business or employer, if applicable;
- 22 (c) Any business or occupation engaged in by the applicant for the five (5) years  
23 next preceding the date of submission of this application;
- 24 (d) A description of the applicant's:
- 25 1. Formal training as an athlete;
- 26 2. Practical experience as an athlete agent; and
- 27 3. Educational background relating to the applicant's activities as an athlete



1 agent;

2 (e) The names and addresses of three (3) individuals not related to the applicant  
3 who are willing to serve as references;

4 (f) The name, sport, and last known team for each individual for whom the  
5 applicant acted as an athlete agent during the five (5) years next preceding the  
6 date of submission of the application;

7 (g) The names and addresses of all persons who are:

8 1. With respect to the athlete agent's business if it is not a corporation, the  
9 partners, members, officers, managers, associates, or profit-sharers of  
10 the business; and

11 2. With respect to a corporation employing the athlete agent, the officers,  
12 directors, and any shareholder of the corporation having an interest of  
13 five percent (5%) or greater;

14 (h) Whether the applicant or any person named pursuant to paragraph (g) of this  
15 subsection has been convicted of a crime that, if committed in this state,  
16 would be a crime involving moral turpitude or a felony, and identify the  
17 crime;

18 (i) Whether there has been any administrative or judicial determination that the  
19 applicant or any person named pursuant to paragraph (g) of this subsection has  
20 made a false, misleading, deceptive, or fraudulent representation;

21 (j) Any instance in which the conduct of the applicant or any person named  
22 pursuant to paragraph (g) of this subsection resulted in the imposition of a  
23 sanction, suspension, or declaration of ineligibility to participate in an  
24 interscholastic or intercollegiate athletic event on a student-athlete or  
25 educational institution;

26 (k) Any sanction, suspension, or disciplinary action taken against the applicant or  
27 any person named pursuant to paragraph (g) of this subsection arising out of

1 occupational or professional conduct; and

2 (l) Whether there has been any denial of an application for, suspension or  
3 revocation of, or refusal to renew, the registration or licensure of the applicant  
4 or any person named pursuant to paragraph (g) of this subsection as an athlete  
5 agent in any state.

6 (2) An individual who has submitted an application for, and holds a certificate of,  
7 registration or licensure as an athlete agent in another state, may submit a copy of  
8 the application and certificate in lieu of submitting an application in the form  
9 prescribed pursuant to subsection (1) of this section. The department~~[office]~~ shall  
10 accept the application and the certificate from the other state as an application for  
11 registration in this state if the application to the other state:

12 (a) Was submitted in the other state within six (6) months next preceding the  
13 submission of the application in this state and the applicant certifies that the  
14 information contained in the application is current;

15 (b) Contains information substantially similar to or more comprehensive than that  
16 required in an application submitted in this state; and

17 (c) Was signed by the applicant under penalty of perjury.

18 ➔Section 12. KRS 164.6911 is amended to read as follows:

19 (1) Except as otherwise provided in subsection (2) of this section, the  
20 department~~[office]~~ shall issue a certificate of registration to an individual who  
21 complies with KRS 164.6909(1) or whose application has been accepted under  
22 KRS 164.6909(2).

23 (2) The department~~[office]~~ may refuse to issue a certificate of registration if the  
24 department~~[office]~~ determines that the applicant has engaged in conduct that has a  
25 significant adverse effect on the applicant's fitness to act as an athlete agent. In  
26 making the determination, the department~~[office]~~ may consider whether the  
27 applicant has:

- 1 (a) Been convicted of a crime that, if committed in this state, would be a crime  
2 involving moral turpitude or a felony;
- 3 (b) Made a materially false, misleading, deceptive, or fraudulent representation in  
4 the application or as an athlete agent;
- 5 (c) Engaged in conduct that would disqualify the applicant from serving in a  
6 fiduciary capacity;
- 7 (d) Engaged in conduct prohibited by KRS 164.6925;
- 8 (e) Had a registration or licensure as an athlete agent suspended, revoked, or  
9 denied, or been refused renewal of registration or licensure as an athlete agent  
10 in any state;
- 11 (f) Engaged in conduct the consequence of which was that a sanction,  
12 suspension, or declaration of ineligibility to participate in an interscholastic or  
13 intercollegiate athletic event was imposed on a student-athlete or educational  
14 institution; or
- 15 (g) Engaged in conduct that significantly adversely reflects on the applicant's  
16 credibility, honesty, or integrity.
- 17 (3) In making a determination under subsection (2) of this section, the  
18 department~~office~~ shall consider:
- 19 (a) How recently the conduct occurred;
- 20 (b) The nature of the conduct and the context in which it occurred; and
- 21 (c) Any other relevant conduct of the applicant.
- 22 (4) An athlete agent may apply to renew a registration by submitting an application for  
23 renewal in a form prescribed by the department~~office~~. An application filed under  
24 this section is a public record. The application for renewal shall~~must~~ be signed by  
25 the applicant under penalty of perjury and shall~~must~~ contain current information  
26 on all matters required in an original registration.
- 27 (5) An individual who has submitted an application for renewal of registration or

1 licensure in another state, in lieu of submitting an application for renewal in the  
2 form prescribed pursuant to subsection (4) of this section, may file a copy of the  
3 application for renewal and a valid certificate of registration or licensure from the  
4 other state. The department~~[office]~~ shall accept the application for renewal from the  
5 other state as an application for renewal in this state if the application to the other  
6 state:

7 (a) Was submitted in the other state within six (6) months next preceding the  
8 filing in this state and the applicant certifies the information contained in the  
9 application for renewal is current;

10 (b) Contains information substantially similar to or more comprehensive than that  
11 required in an application for renewal submitted in this state; and

12 (c) Was signed by the applicant under penalty of perjury.

13 (6) A certificate of registration or a renewal of registration is valid for one (1) year.

14 ➔Section 13. KRS 164.6913 is amended to read as follows:

15 (1) The department~~[office]~~ may suspend, revoke, or refuse to renew a registration for  
16 conduct that would have justified denial of registration under KRS 164.6911(2).

17 (2) The department~~[office]~~ may deny, suspend, revoke, or refuse to renew a certificate  
18 of registration or licensure only after proper notice and an opportunity for a hearing  
19 in accordance with KRS Chapter 13B.

20 (3) The department~~[office]~~ may issue a temporary certificate of registration while an  
21 application for registration or renewal of registration is pending.

22 ➔Section 14. KRS 164.6915 is amended to read as follows:

23 An application for registration or renewal of registration ~~shall~~must be accompanied by a  
24 fee in the following amount:

25 (1) An initial application for registration fee determined by the department~~[office]~~, not  
26 to exceed three hundred dollars (\$300);

27 (2) An annual renewal fee determined by the department~~[office]~~, not to exceed three

1       hundred dollars (\$300); or

2       (3) An application for registration fee based upon certification of registration or  
3       licensure issued by another state determined by the department~~[office]~~, not to  
4       exceed two hundred fifty dollars (\$250).

5       ➔Section 15. KRS 164.6923 is amended to read as follows:

6       (1) An athlete agent shall retain the following records for a period of five (5) years:

7           (a) The name and address of each individual represented by the athlete agent;

8           (b) Any agency contract entered into by the athlete agent; and

9           (c) Any direct costs incurred by the athlete agent in the recruitment or solicitation  
10       of a student-athlete to enter into an agency contract.

11       (2) Records required to be retained in subsection (1) of this section are open to  
12       inspection by the department~~[office]~~ during normal business hours.

13       ➔Section 16. KRS 164.6929 is amended to read as follows:

14       (1) An educational institution has a right of action against an athlete agent or a former  
15       student-athlete for damages caused by a violation of KRS 164.6901 to 164.6935. In  
16       an action under this section, the court may award to the prevailing party costs and  
17       reasonable attorney's fees.

18       (2) Damages of an educational institution under subsection (1) of this section include  
19       losses and expenses incurred because, as a result of the conduct of an athlete agent  
20       or former student-athlete, the educational institution was injured by a violation of  
21       KRS 164.6901 to 164.6935 or was penalized, disqualified, or suspended from  
22       participation in athletics by a national association for the promotion and regulation  
23       of athletics, by an athletic conference, or by reasonable self-imposed disciplinary  
24       action taken to mitigate sanctions likely to be imposed by such an organization.

25       (3) A right of action under this section does not accrue until the educational institution  
26       discovers or by the exercise of reasonable diligence would have discovered the  
27       violation by the athlete agent or former student-athlete.

1 (4) Any liability of the athlete agent or the former student-athlete under this section is  
2 several and not joint.

3 (5) The department~~[office]~~ may assess a civil penalty against an athlete agent not to  
4 exceed twenty-five thousand dollars (\$25,000) for a violation of KRS 164.6901 to  
5 164.6935.

6 (6) KRS 164.6901 to 164.6935 does not restrict rights, remedies, or defenses of any  
7 person under law or equity.

8 ➔SECTION 17. KRS 198B.704 IS REPEALED AND REENACTED TO READ  
9 AS FOLLOWS:

- 10 (1) (a) There is hereby created an independent agency of state government to be  
11 known as the Kentucky Board of Home Inspectors, which shall be attached  
12 to the Department of Professional Licensing for administrative purposes.  
13 The board shall consist of five (5) members, each appointed by the  
14 Governor. Each board member shall serve a term of three (3) years. The  
15 board shall annually select one (1) of its members to serve as chair and one  
16 (1) of its members to serve as vice chair to act in the chair's absence. The  
17 board shall designate either a board member or a member of the board's  
18 administrative staff to serve as secretary to the board.  
19 (b) Any member appointed to fill a vacancy occurring other than by expiration  
20 of a term shall be appointed for the remainder of the unexpired term.  
21 (c) No more than three (3) members of the same political party shall serve on  
22 the board at the same time.  
23 (d) No member of the board shall reside in the same county as another  
24 member. The members of the board shall be residents of Kentucky.  
25 (e) 1. A majority of the board shall constitute a quorum for the transaction  
26 of business. The affirmative vote of a majority of the members is  
27 necessary for the board to take official action.

1           2. If the chair and vice chair are absent from a meeting of the board  
2           when a quorum exists, the members who are present may elect a  
3           presiding officer who shall serve as acting chair until the conclusion  
4           of the meeting or until the arrival of the chair or vice chair.

5           (f) No member may serve on the board for more than six (6) consecutive years.  
6           A member may serve on the board for six (6) consecutive years on more  
7           than one (1) occasion if that person is not a member of the board for at least  
8           two (2) years between periods of board service.

9           (g) For any board member vacancy that is filled under this section by using a  
10          list of names submitted to the Governor, the Governor shall appoint one (1)  
11          of the individuals whose name was submitted on the initial list to fill the  
12          vacancy, unless the Governor can present indisputable proof that no  
13          individual on the list is qualified.

14          (2) The five (5) members of the board shall be chosen as follows:

15          (a) Three (3) members shall:

16               1. Have been actively engaged in performing home inspections in  
17               Kentucky for at least five (5) years immediately before the member's  
18               appointment to the board, or have completed no less than one hundred  
19               (100) fee-paid inspections per year over the last five (5) years; and

20               2. Be licensed by the board as a home inspector;

21          (b) One (1) member shall represent the public at large and shall not be  
22          associated with the home inspection, home building, or real estate business  
23          other than as a consumer; and

24          (c) One (1) member shall be a real estate professional licensed under KRS  
25          Chapter 324 who has been actively engaged in selling, trading, exchanging,  
26          optioning, leasing, renting, managing, or listing residential real estate in  
27          Kentucky for at least five (5) years immediately before the member's

1 appointment to the board. This member shall be selected from a list of three  
2 (3) names submitted to the Governor from the Kentucky Association of  
3 Realtors. When a vacancy occurs in this member position, the Kentucky  
4 Association of Realtors shall have sixty (60) days after the vacancy occurs to  
5 submit a list of three (3) names to the Governor to fill the vacancy. If the  
6 Kentucky Association of Realtors fails to timely submit this list to the  
7 Governor, the Governor may immediately appoint a qualified person to fill  
8 this vacancy.

9 (3) A board member shall be automatically removed from the board and a vacancy  
10 shall occur when the board member:

11 (a) Ceases to be a resident of the Commonwealth of Kentucky;

12 (b) Displays incompetence, neglect of duty, or unprofessional conduct; or

13 (c) Fails to adhere to a duly adopted code of ethics of the board. Failure to  
14 adhere to this code shall be determined by official action of the board.

15 (4) Voting members of the board shall be compensated no more than three hundred  
16 dollars (\$300) per day for official business, subject to an annual maximum of six  
17 thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid  
18 and incurred in the discharge of official business consistent with the  
19 reimbursement policy for state employees. With the approval of the executive  
20 director for real property boards within the Department of Professional  
21 Licensing, board members and board staff may attend and travel to and from  
22 meetings and events relevant to the board or the industry the board represents.

23 (5) The board shall meet at least quarterly each calendar year upon the call of the  
24 chair or the written request of a majority of the members of the board.

25 (6) The chair shall establish the date, time, and place for each meeting.

26 ➔Section 18. KRS 198B.706 is amended to read as follows:

27 The board shall:



- 1 (1) Through the promulgation of administrative regulations:
  - 2 (a) Determine the requirements for and prescribe the form of licenses,
  - 3 applications, and other documents that are required by KRS 198B.700 to
  - 4 198B.738; and
  - 5 (b) Require that a home inspection report include a statement that the home
  - 6 inspection report does not address environmental hazards and list all other
  - 7 exclusions with specificity;
- 8 (2) Grant, deny, suspend, and revoke approval of examinations and courses of study
- 9 regarding home inspections;
- 10 (3) Issue or deny applications for licensure and renewals;
- 11 (4) Investigate complaints concerning licensees, or persons the board has reason to
- 12 believe should be licensees, including complaints concerning failure to comply with
- 13 KRS 198B.700 to 198B.738 or administrative regulations promulgated under KRS
- 14 198B.700 to 198B.738, and, when appropriate, take action in accordance with KRS
- 15 198B.728 and 198B.730;
- 16 (5) Bring actions in the name of the state in an appropriate court in order to enforce
- 17 compliance with KRS 198B.700 to 198B.738 or the administrative regulations
- 18 promulgated under KRS 198B.700 to 198B.738;
- 19 (6) Establish license fees in an amount not to exceed two hundred fifty dollars (\$250)
- 20 annually;
- 21 (7) Inspect the records of a licensee in accordance with administrative regulations
- 22 promulgated by the board;
- 23 (8) Conduct or designate a member or other representative to conduct public hearings
- 24 on any matter for which a hearing is required under KRS 198B.728 and 198B.730;
- 25 (9) Adopt a seal containing the words "Kentucky Board of Home Inspectors" and,
- 26 through the board's secretary, certify copies and authenticate all acts of the board;
- 27 (10) Use counsel, consultants, and other persons, enter into contracts, and authorize

- 1 expenditures that are reasonably necessary or appropriate to administer and enforce  
2 KRS 198B.700 to 198B.738 and administrative regulations promulgated thereunder;
- 3 (11) Establish continuing education requirements for licensed home inspectors in  
4 accordance with KRS 198B.722 and 198B.724;
- 5 (12) Conduct disciplinary actions against licensees to include:
- 6 (a) Suspension, probation, or permanent revocation of a license;
- 7 (b) Requiring a licensee to obtain additional continuing education; and
- 8 (c) Issuance of a written reprimand;
- 9 (13) Require all fee-paid home inspections to be conducted in accordance with the  
10 standards of practice of:
- 11 (a) The American Society of Home Inspectors;
- 12 (b) The International~~National~~ Association of Certified Home Inspectors; or
- 13 (c) Any other approved standards of practice that are equal to the standards of  
14 practice of the organizations in paragraphs (a) and (b) of this subsection as  
15 determined by the board.
- 16 The board may establish standards of practice for home inspectors licensed in  
17 Kentucky at a later date, which will supersede any other standards of practice  
18 previously adopted by the board and, if adopted by regulation, the standards in  
19 paragraphs (a) and (b) of this subsection;
- 20 (14) Exercise all other powers specifically conferred on the board under KRS 198B.700  
21 to 198B.738; and
- 22 (15) Promulgate administrative regulations to carry out the effective administration and  
23 the requirements of KRS 198B.700 to 198B.738.
- 24 ➔Section 19. KRS 198B.728 is amended to read as follows:
- 25 (1) The board shall take disciplinary actions against or impose sanctions on a licensee  
26 for failing to comply with any provision of KRS 198B.700 to 198B.738 or any  
27 administrative regulations promulgated to carry out KRS 198B.700 to 198B.738.

1 (2) Pursuant to KRS 13B.120(7), the executive director for real property boards  
2 within the Department of Professional Licensing shall hear and issue a final  
3 order regarding a decision of the board. An aggrieved party may appeal a final  
4 order of the executive director to the Franklin Circuit Court pursuant to KRS  
5 Chapter 13B within thirty (30) days after the issuance of the executive director's  
6 final order.

7 ➔Section 20. KRS 309.131 is amended to read as follows:

8 (1) There is hereby created the Kentucky Board of Licensure for Professional Art  
9 Therapists that shall be attached to the Department of Professional  
10 Licensing~~[Office of Occupations and Professions]~~ in the Public Protection Cabinet  
11 for administrative purposes. The board shall consist of five (5) members who are  
12 United States citizens and have been Kentucky residents for at least five (5) years  
13 prior to their appointment. The board membership shall be determined as follows:

14 (a) Four (4) members shall be professional art therapists who are licensed  
15 pursuant to KRS 309.133, and shall have engaged in art therapy practice for at  
16 least five (5) years. These members shall not hold any elected or appointed  
17 office in any professional organization of art therapy or closely related field  
18 during their tenure on the board; and

19 (b) One (1) member shall represent the public. The public member shall not have  
20 been licensed or have practiced as a professional art therapist, nor have any  
21 significant financial interest, either direct or indirect, in the profession of art  
22 therapy.

23 (2) All members of the board shall be appointed by the Governor for staggered terms of  
24 four (4) years.

25 (3) The four (4) professional members shall be appointed from a list of eight (8) names  
26 submitted by the board of directors of the Kentucky Art Therapy Association, Inc.,  
27 and the one (1) public member shall be a citizen at large. Each member shall hold

1 office until a successor is appointed. Vacancies shall be filled in the same manner as  
2 original appointments. No board member shall serve more than two (2) consecutive  
3 terms.

4 (4) Each board candidate shall be licensed as an art therapist prior to nomination and  
5 shall be actively engaged in the practicing or teaching of art therapy, except for the  
6 one (1) public member.

7 (5) Members of the board shall receive no compensation, perquisite, or allowance.

8 (6) The board shall elect annually from its membership a chairman, secretary, and other  
9 officers as necessary to carry out its duties.

10 (7) The board shall meet at least two (2) times each year. Additional meetings may be  
11 called by the chairman, upon the written request of at least two (2) members of the  
12 board. A simple majority of the board members shall constitute a quorum of the  
13 board.

14 ➔Section 21. KRS 309.329 is amended to read as follows:

15 (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators  
16 consisting of five (5) members who shall be appointed by the Governor as follows:

17 (a) One (1) member shall be a licensed medical physician with experience in the  
18 delivery of diabetes education appointed from a list of three (3) names  
19 submitted by the State Board of Medical Licensure;

20 (b) One (1) member shall be a registered nurse with experience in diabetes  
21 education appointed from a list of three (3) names submitted by the Kentucky  
22 Board of Nursing;

23 (c) One (1) member shall be a pharmacist experienced in diabetes education,  
24 licensed under KRS Chapter 315, and appointed from a list of three (3) names  
25 submitted by the Kentucky Board of Pharmacy;

26 (d) One (1) member shall be a licensed dietitian or certified nutritionist with  
27 experience in diabetes education appointed from a list of three (3) names

1 submitted by the Kentucky Board of Licensure and Certification for Dietitians  
2 and Nutritionists; and

3 (e) One (1) member shall be a citizen at large who is not employed in the health  
4 care field.

5 One (1) of the members appointed under paragraph (b), (c), or (d) of this subsection  
6 shall have completed either the credentialing program of the American Association  
7 of Diabetes Educators or the National Certification Board for Diabetes Educators.

8 (2) (a) The Governor shall initially appoint one (1) member and the citizen at large to  
9 terms of four (4) years, two (2) members to terms of three (3) years, and one  
10 (1) member to a term of two (2) years.

11 (b) All reappointments to the board shall be for terms of four (4) years.

12 (c) No member shall serve more than two (2) consecutive terms and shall serve  
13 on the board until his or her successor is appointed.

14 (3) The board shall organize annually and elect one (1) of its members as chair and one  
15 (1) of its members as secretary. A quorum of the board shall consist of three (3)  
16 members. The board shall meet at least semiannually and upon the call of the chair,  
17 or at the request of two (2) or more members to the secretary of the board.

18 (4) The board shall be placed for administrative purposes under the Department of  
19 Professional Licensing~~[Office of Occupations and Professions]~~ of the Public  
20 Protection Cabinet.

21 ➔Section 22. KRS 309.404 is amended to read as follows:

22 (1) There is hereby created the Kentucky Board of Durable Medical Equipment  
23 Suppliers that shall be attached for administrative purposes to the Department of  
24 Professional Licensing~~[Office of Occupations and Professions]~~ in the Public  
25 Protection Cabinet. The board shall consist of five (5) members, each appointed by  
26 the Governor. Four (4) members shall be appointed from a list of three (3) names  
27 for each position submitted by the Kentucky Medical Equipment Suppliers

- 1 Association. One (1) member shall be a citizen at large who is not associated with  
2 or financially interested in the practice or business regulated. Any vacancy shall be  
3 filled for the unexpired term by the Governor, as provided in the original  
4 appointment.
- 5 (2) To be eligible for appointment as a member of the board, a person shall be at least  
6 twenty-one (21) years of age, of good moral character, a resident of this state, and a  
7 licensed durable medical equipment services provider in this state for at least three  
8 (3) consecutive years next preceding the date of his or her appointment.
- 9 (3) The terms of office of each member shall be four (4) years, or until a successor is  
10 appointed and qualified.
- 11 (4) The board shall elect one (1) of its members as president and another of its  
12 members as secretary. The secretary may, subject to approval by the board, employ  
13 and fix the compensation of all personnel required for the administration of KRS  
14 309.400 to 309.422. The board may make all rules and promulgate all  
15 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that  
16 are~~[as may be]~~ necessary to implement and carry out the provisions and purposes of  
17 KRS 309.400 to 309.422.
- 18 (5) The board shall hold meetings at least twice a year and as frequently as it deems  
19 necessary at a time and place within the Commonwealth as the board may  
20 designate. A majority of the members shall constitute a quorum.
- 21 (6) The board may sue and be sued in its own name.
- 22 (7) Members of the board shall be immune from suit in any civil or criminal action  
23 which is based upon any official act or acts performed by them in good faith as  
24 members of the board.
- 25 (8) Members of the board shall receive no compensation for their services, but shall be  
26 paid for actual travel and other expenses incurred in connection with the  
27 performance of their duties and the business of the board.

1 (9) The board may utilize any materials, services, or facilities as may be made available  
2 to it by other state agencies or may contract therefor, to the extent as the board in its  
3 discretion may determine.

4 ➔Section 23. KRS 319B.020 is amended to read as follows:

5 The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The  
6 board shall consist of five (5) members who shall be appointed by the Governor.

7 (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic,  
8 or pedorthic professional services and is not affiliated with and does not have more  
9 than five percent (5%) financial interest in any one (1) health care profession or  
10 business.

11 (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or  
12 licensed pedorthists. These members may be licensed in more than one (1)  
13 discipline and at least one (1) board member shall be a licensed pedorthist.  
14 Membership of the board shall reasonably reflect representation from the  
15 geographic areas in the Commonwealth.

16 (3) Each member of the board shall serve a term of three (3) years, except that of the  
17 initial appointments to the board, two (2) members shall be appointed for two (2)  
18 years, two (2) members shall be appointed for three (3) years, and one (1) member  
19 shall be appointed for one (1) year. No member of the board shall serve more than  
20 the greater of eight (8) consecutive years or two (2) full terms. The Governor may  
21 remove any member of the board for misconduct, incompetence, or neglect of duty.

22 (4) The board shall meet at least annually and may meet at other times if necessary to  
23 complete required business. A quorum of the board shall consist of a majority of  
24 board members currently appointed. The board shall annually elect a chairperson  
25 and vice chairperson who shall be licensed under this chapter.

26 (5) There shall be no liability on the part of, and no action for damages against, any  
27 current or former board member, representative, agent, or employee of the board,

1 when the person is acting with ordinary care, is functioning within the scope of  
2 board duties, is acting without malice, and has the reasonable belief that the actions  
3 taken by him or her are warranted by law.

4 (6) Members of the board shall receive a per diem reimbursement of reasonable  
5 expenses incurred as determined by the board in consultation with the Department  
6 of Professional Licensing~~[Office of Occupations and Professions]~~ for each day  
7 actually engaged in the duties of the office.

8 ➔Section 24. KRS 319B.040 is amended to read as follows:

9 The board may:

10 (1) Employ needed personnel and contract with the Department of Professional  
11 Licensing~~[Office of Occupations and Professions]~~ within the Public Protection  
12 Cabinet for the provision of administrative services;

13 (2) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,  
14 and investigate allegations of practices violating the provisions of this chapter;

15 (3) Seek injunctive relief in the Circuit Court of the county where the violation  
16 occurred to stop the unlawful practice of prosthetics, orthotics, and pedorthics by  
17 unlicensed persons;

18 (4) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes  
19 necessary to carry out the functions of this chapter;

20 (5) Suspend or revoke licenses, impose supervisory or probationary conditions upon  
21 licensees, impose administrative disciplinary fines, issue written reprimands or  
22 admonishments, or impose any combination of these penalties;

23 (6) Grant retired or inactive licensure status under conditions set forth by the board by  
24 the promulgation of administrative regulations; and

25 (7) Issue advisory private letter rulings to any affected licensee who makes such a  
26 request regarding any matters within the board's primary jurisdiction. Any private  
27 letter ruling shall affect only the person making the inquiry and shall have no



1        precedential value for any other inquiry or future contested case that might come  
2        before the board. Any dispute regarding a private letter ruling may, if the board  
3        chooses to do so, be resolved pursuant to KRS Chapter 13B.

4        ➔Section 25. KRS 324.200 is amended to read as follows:

- 5        (1) If the commission determines after a hearing that any applicant is not entitled to  
6        receive a license, a license shall not be granted to the applicant, and if the  
7        commission determines after a hearing that any licensee has violated any of the  
8        provisions of this chapter, the disciplinary measures in KRS 324.160(1) may be  
9        ordered.

- 10       (2) Pursuant to KRS 13B.120(7), the executive director for real property boards  
11       within the Department of Professional Licensing shall hear and issue a final  
12       order regarding a decision of the commission.

- 13       (3) Within thirty (30) days after the issuance of the executive director's final order,  
14       any party aggrieved by the action of the executive director~~[commission]~~ in refusing  
15       to grant a license or in ordering any disciplinary action may appeal to the Circuit  
16       Court where the licensee has his or her principal place of business or where the  
17       applicant resides in accordance with KRS Chapter 13B. Disciplinary action imposed  
18       by the executive director~~[commission]~~ shall be automatically stayed during the  
19       pendency of an appeal to a circuit or appellate court, unless otherwise indicated in  
20       the final order of the executive director~~[commission]~~.

21       ➔Section 26. KRS 324.281 is amended to read as follows:

- 22       (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall  
23       appoint five (5) persons, at least four (4) of whom, immediately prior to the date of  
24       their appointment have been residents of the state for ten (10) years and whose  
25       vocation for a period of at least ten (10) years shall have been that of an active real  
26       estate licensee. One (1) member shall be a citizen at large who is not associated  
27       with or financially interested in the practice or business regulated. The term of the

1 members of the commission shall be for three (3)~~four (4)~~ years and until their  
2 successors are appointed and qualify, except as provided in subsections (2) and (3)  
3 of this section. A majority of the commission shall constitute a quorum for the  
4 transaction of business.

5 (2) All appointments shall be for the specified three (3)~~four (4)~~ year term. No person  
6 appointed after July 14, 2000, shall serve more than two (2) consecutive terms.

7 (3) (a) For each appointment or vacancy, the Kentucky Association of Realtors shall  
8 within sixty (60) days supply a list of not less than three (3) names of  
9 licensees to the Governor each year from which the broker or sales associate  
10 appointments shall be made. If the Kentucky Association of Realtors fails to  
11 timely submit this list to the Governor, the Governor may immediately  
12 appoint a qualified person to fill this vacancy. The Governor may otherwise  
13 fill vacancies arising in the middle of the year from those remaining on the list  
14 or from a new list supplied by the association.

15 (b) For any commission member vacancy that is filled under this section by  
16 using a list of names submitted to the Governor, the Governor shall appoint  
17 one (1) of the individuals whose name was submitted on the initial list to fill  
18 the vacancy, unless the Governor can present indisputable proof that no  
19 individual on the list is qualified.

20 (4) There shall not be more than three (3) of any one (1) political party serving on the  
21 commission at the same time. No member of the commission shall reside in the  
22 same county as another member. Appointees to fill vacancies shall be appointed  
23 for the unexpired term.

24 (5) It shall be the duty of the commission to:

25 (a) Promulgate administrative regulations;

26 (b) ~~to~~ Hold disciplinary hearings concerning matters in controversy as provided  
27 by this chapter;

1        **(c)** ~~[to ]~~Conduct examinations for applicants eligible under this chapter or  
2        alternatively to contract with an entity to conduct examinations;

3        **(d)** ~~[to]~~ Conduct necessary educational seminars and courses directed toward  
4        continuing education within the real estate field;

5        (e) ~~to~~ Investigate or cause to be investigated any irregularities in violation of  
6        this chapter or the promulgated and authorized administrative regulations of  
7        the commission; ***and***

8        (f)    ~~to~~ Participate with any other agency of the Commonwealth or the authorized  
9            agency of another state for the betterment or improvement of the  
10          administration of the statutes or administrative regulations governing this  
11          commission.

Any action taken by the commission under this subsection shall be appealable as are other actions of the commission under this chapter.

(6) The commission, at its discretion, may use the funds necessary to purchase liability insurance for members and executive officers of the commission, inspectors, and for members of the staff exempted from classified service of the state by KRS 18A.115.

(7) The commission shall require all actively-licensed agents, except for those agents who were licensed prior to June 19, 1976, to successfully complete mandatory continuing education as a condition of license renewal.

(8) The commission shall, by the promulgation of administrative regulations, develop a review process by which continuing education courses may be approved for credit. An applicant may seek the commission's approval for credit for courses not previously approved by the commission by submitting sufficient information describing the course to the commission for review.

26 (9) The Governor shall set the compensation of the members of the commission, but  
27 voting members of the commission shall be compensated no more than three

hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the executive director for real property boards within the Department of Professional Licensing, commission members and commission staff may attend and travel to and from meetings and events relevant to the commission or to the industry the commission represents.

➔Section 27. KRS 324A.015 is amended to read as follows:

(1) There is created a Real Estate Appraisers Board consisting of five (5) members, two (2) of whom shall be certified real estate appraisers, one (1) of whom shall represent the public and shall not be associated with or financially interested in the practice of real estate appraisals, and two (2) of whom shall be employed in the lending industry. The board shall administer the provisions of this chapter and may promulgate administrative regulations necessary to effectuate the provisions of KRS 324A.010 to 324A.090.

(2) (a) The board members shall be appointed by the Governor. Not more than one (1) board member shall be from any one (1) county within Kentucky. ~~Members~~~~[Kentucky-Members]~~ shall be appointed by the Governor for staggered terms of three (3) years. No person shall serve more than two (2) full consecutive terms.

(b) Any member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

(c) No more than three (3) members of the same political party shall serve on the board at the same time.

(d) The group providing the list of names to fill a board vacancy under this subsection shall have sixty (60) days after the vacancy occurs to submit a

1 list of three (3) names to the Governor to fill the vacancy. If the group fails  
2 to timely submit this list to the Governor, the Governor may immediately  
3 appoint a qualified person to fill this vacancy.

4 (e) For any board member vacancy that is filled under this section by using a  
5 list of names submitted to the Governor, the Governor shall appoint one (1)  
6 of the individuals whose name was submitted on the initial list to fill the  
7 vacancy, unless the Governor can present indisputable proof that no  
8 individual on the list is qualified.

9 (3) The appraiser appointees to the board shall be certified and shall have engaged in  
10 the appraisal of real estate in Kentucky on a continuing basis for at least ten (10)  
11 years.

12 (4) A board member shall be automatically removed from the board and a vacancy shall  
13 occur when:

- 14 (a) An appraiser member of the board ceases to be certified;  
15 (b) A consumer member of the board acquires a certification as an appraiser;  
16 (c) A lending industry member ceases to be employed in the lending industry;  
17 (d) A board member enters a plea of guilty to, or has been found guilty of, a  
18 felony and the time for appeal has passed or the judgment of conviction has  
19 been finally affirmed on appeal; or  
20 (e) A board member ceases to be a bona fide resident of the Commonwealth of  
21 Kentucky.

22 (5) The board shall adopt a seal with the design it prescribes~~as the board may~~  
23 ~~prescribe~~, by which it shall authenticate its proceedings. Copies of all records and  
24 papers in the office of the board, duly certified and authenticated by the seal of the  
25 board, shall be received in evidence in all courts equally and with like effect as the  
26 original. All records kept in the office of the board under the authority of this  
27 chapter shall be open to public inspection in accordance with KRS 61.820 to 61.884

1 and consistent with regulations prescribed by the board.

2 **(6) The Governor shall set the compensation of the members of the board, but voting**  
3 **members of the board shall be compensated no more than three hundred dollars**  
4 **(\$300) per day for official business, subject to an annual maximum of six**  
5 **thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid**  
6 **and incurred in the discharge of official business consistent with the**  
7 **reimbursement policy for state employees. With the approval of the executive**  
8 **director for real property boards within the Department of Professional**  
9 **Licensing, board members and board staff may attend and travel to and from**  
10 **meetings and events relevant to the board or the industry the board represents.**

11 ➔Section 28. KRS 324A.025 is amended to read as follows:

12 (1) The board shall elect a chairman each year at the first meeting called after  
13 appointment of new members. A majority of the board shall constitute a quorum  
14 and may exercise all powers and duties established by the provisions of KRS  
15 324A.020.

16 (2) The board shall meet at least once each calendar quarter.

17 ~~[(3) Each member of the board shall receive actual and necessary expenses and mileage~~  
18 ~~and shall receive two hundred dollars (\$200) per day as compensation for each day~~  
19 ~~spent on duties as a member of the board.]~~

20 ➔Section 29. KRS 324A.052 is amended to read as follows:

21 (1) Any person or organization, including the board upon its own volition, may file  
22 with the board a written complaint alleging a violation of any provision of this  
23 chapter. The board shall investigate each complaint.

24 (2) If the investigation reveals evidence supporting the complaint, the board shall set  
25 the matter for hearing in accordance with the provisions of KRS Chapter 13B before  
26 fining, reprimanding, suspending, revoking, refusing to renew, or any combination  
27 thereof.

- 1 (3) If the investigation reveals that the alleged violation did occur but was not of a  
2 serious nature, the board may issue a written admonishment to the certificate holder  
3 or licensee. A copy of the admonishment shall be placed in the recipient's  
4 permanent file with the board. The recipient shall have the right to file a response to  
5 the admonishment within thirty (30) days of its receipt and have the response placed  
6 in the permanent file. The recipient may, alternatively, within thirty (30) days of the  
7 receipt, file a request for hearing with the board. Upon receipt of this request, the  
8 board shall set aside the written admonishment and set the matter for hearing in  
9 accordance with the provisions of KRS Chapter 13B.
- 10 (4) After denying an application for a certificate or license or issuing an admonishment,  
11 the board shall grant an administrative hearing in accordance with KRS Chapter  
12 13B only upon written request of the applicant made within thirty (30) days of the  
13 mailing of the letter of denial or admonishment.
- 14 (5) Pursuant to KRS 13B.120(7), the executive director for real property boards  
15 within the Department of Professional Licensing shall hear and issue a final  
16 order regarding a decision of the board. Any party aggrieved by a final order of the  
17 executive director~~[board]~~ may appeal to Franklin Circuit Court as provided by KRS  
18 Chapter 13B within thirty (30) days after the issuance of the executive director's  
19 final order.
- 20 ➔Section 30. KRS 324A.060 is amended to read as follows:
- 21 (1) ~~[Effective July 1, 1992, ]~~The board may~~[shall be empowered to]~~ employ an  
22 executive director of the board and other personnel~~[as may be]~~ necessary to  
23 discharge the duties imposed by the provisions of KRS 324A.010 to 324A.090. The  
24 board shall outline the duties of all personnel and fix their compensation in  
25 accordance with KRS Chapter 18A. The board may~~[is]~~ also~~[empowered to]~~ obtain  
26 office space, utilities, furniture, supplies, and other goods and services that are~~[as~~  
27 ~~shall be]~~ reasonably necessary for carrying out the provisions of KRS 324A.010 to

1       324A.090.

2       (2) Each executive director *of the board*~~[- assuming office after July 15, 2002,]~~ shall be  
3       a certified general or certified residential real property appraiser and shall possess  
4       not less than ten (10) years of experience as an appraiser within the Commonwealth  
5       of Kentucky.

6       ➔Section 31. KRS 329A.025 is amended to read as follows:

7       (1) The board shall administer and enforce the provisions of KRS 329A.010 to  
8       329A.090 and shall evaluate the qualifications of applicants for licensure and issue  
9       licenses.

10      (2) The board shall:

11      (a) Implement the provisions of KRS 329A.010 to 329A.090 through the  
12      promulgation of administrative regulations in accordance with the provisions  
13      of KRS Chapter 13A;

14      (b) Promulgate administrative regulations to establish fees which shall not exceed  
15      the amounts necessary to generate sufficient funds to effectively carry out and  
16      enforce the provisions of KRS 329A.010 to 329A.090;

17      (c) Promulgate by administrative regulation an examination to be administered at  
18      least twice annually to license applicants. The examination shall be designed  
19      to measure knowledge and competence in private investigating, including but  
20      not limited to the following subject areas:

- 21          1. Federal and state constitutional principles;
- 22          2. Court decisions related to activities which could result in liability for the  
23          invasion of privacy or other activities;
- 24          3. Eavesdropping and related offenses, assault and related offenses, search  
25          and seizure laws, and laws regarding unlawful access to a computer;
- 26          4. General weapons use and concealed weapons laws;
- 27          5. Additional state criminal laws and related procedures that are relevant to



- 1 the practice of private investigating; and
- 2 6. Additional subject areas as determined by the board; and
- 3 (d) Promulgate by administrative regulation a code of professional practice and
- 4 conduct that shall be based upon generally recognized principles of
- 5 professional ethical conduct and be binding upon all licensees.
- 6 (3) The board may:
- 7 (a) Contract with the Department of Professional Licensing~~[Office of~~
- 8 ~~Occupations and Professions]~~ within the Public Protection Cabinet for the
- 9 provision of administrative services;
- 10 (b) Employ any persons it deems necessary to carry on the work of the board. The
- 11 board may define their duties and fix their compensation;
- 12 (c) Develop or sponsor at least six (6) hours of continuing professional education
- 13 annually;
- 14 (d) Approve and certify a forty (40) hour training class covering the subject areas
- 15 of the licensing examination;
- 16 (e) Renew licenses and require continuing professional education as a condition
- 17 for renewal;
- 18 (f) Waive the examination requirement for any applicant licensed in a reciprocal
- 19 state as prescribed in subsection (3)(m) of this section, who is licensed in
- 20 good standing in that state and meets all of the other requirements of KRS
- 21 329A.035;
- 22 (g) Suspend or revoke licenses, impose supervisory or probationary conditions
- 23 upon licensees, impose administrative disciplinary fines, or issue written
- 24 admonishments or reprimands, or any combination thereof;
- 25 (h) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer
- 26 oaths, and investigate allegations of practices violating the provisions of KRS
- 27 329A.010 to 329A.090;

- 1 (i) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes  
2 necessary to carry out the board's functions;
- 3 (j) Organize itself into two (2) panels to separate the functions of inquiry and  
4 hearings. Each panel shall have the power to act as either an inquiry or hearing  
5 panel. No member serving on the inquiry panel shall serve on the hearing  
6 panel for any one (1) particular case. Any final decision of the hearing panel  
7 shall be considered as the final decision of the board and the hearing panel  
8 may exercise all powers granted to the board pursuant to KRS Chapter 13B;
- 9 (k) Utilize mediation as a technique to resolve disciplinary matters;
- 10 (l) Seek injunctive relief in the Circuit Court of the county where the alleged  
11 unlawful practice occurred to stop the unlawful practice of private  
12 investigating by unlicensed persons or companies; and
- 13 (m) Negotiate and enter into reciprocal agreements with appropriate officials in  
14 other states to permit licensed investigation companies and private  
15 investigators who meet or exceed the qualifications established in KRS  
16 329A.010 to 329A.090 to operate across state lines under mutually acceptable  
17 terms.

18 ➔Section 32. KRS 330.050 is amended to read as follows:

- 19 (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board  
20 consisting of five (5) members, all of whom immediately prior to the date of their  
21 appointment have been residents of the Commonwealth of Kentucky for five (5)  
22 years, and four (4) whose vocation for a period of at least five (5) years has been  
23 that of an auctioneer. One (1) member shall be a citizen at large who is not  
24 associated with or financially interested in the practice or business regulated. The  
25 term of the members of the board shall be for three (3) years and until their  
26 successors are appointed and qualified. Members to fill vacancies shall be appointed  
27 for the unexpired term.

- 1 (2) At no time shall there be more than two (2) auctioneer members of the same  
2 political party on the board. Whenever there is an auctioneer vacancy on the board,  
3 within sixty (60) days the Kentucky Auctioneer Association shall recommend to the  
4 Governor at least three (3) names for each auctioneer vacancy, and such  
5 appointment or appointments shall be made from the recommendations of the  
6 association. If the Kentucky Auctioneer Association fails to timely submit its  
7 recommendations to the Governor, the Governor may immediately appoint a  
8 qualified auctioneer to fill this vacancy.
- 9 (3) The board, immediately upon qualification of the member appointed in each year,  
10 shall organize by selecting from its members a chairman.
- 11 (4) (a) No member of the board shall reside in the same county as another  
12 member.
- 13 (b) A majority of the board shall constitute a quorum for the transaction of  
14 business.
- 15 (c) No member may serve on the board for more than six (6) consecutive years.  
16 A member may serve on the board for six (6) consecutive years on more  
17 than one occasion if that person is not a member of the board for at least  
18 two (2) years between periods of board service.
- 19 (d) For any auctioneer board member vacancy that is filled under this section  
20 by using a list of names submitted to the Governor, the Governor shall  
21 appoint one (1) of the individuals whose name was submitted on the initial  
22 list to fill the vacancy, unless the Governor can present indisputable proof  
23 that no individual on the list is qualified~~Each member of the board shall~~  
24 ~~receive the sum of twelve thousand dollars (\$12,000) per year, payable twice~~  
25 ~~monthly, and reimbursement for actual and necessary expenses incurred in the~~  
26 ~~performance of official duties].~~
- 27 (5) (a) The board shall have full authority to employ, and discharge, any personnel,

1 including counsel, as it may deem necessary to efficiently administer and  
2 enforce the provisions of this chapter, and it shall outline the duties and fix the  
3 compensation of such persons, provided that compensation shall be  
4 comparable to the salaries paid other state employees, if any, which the board  
5 may deem to be doing similar work.

6 (b) The board shall obtain office space, furniture, stationery, and any other proper  
7 supplies and conveniences reasonably necessary to carry out the provisions of  
8 this chapter. If any items deemed to be reasonably necessary by or which are  
9 required by the board are available through vendors under contract with the  
10 Commonwealth of Kentucky at less cost than if obtained otherwise, then the  
11 items shall be acquired pursuant to the contract.

12 (c) The board shall have full authority to obtain for its members, staff, and  
13 employees complete insurance coverage, including, but not limited to, liability  
14 and errors and omissions insurance, so long as the insurance concerns the  
15 business of the board.

16 (6) All fees and charges collected by the board under the provisions of this chapter shall  
17 be paid into the State Treasury through the Finance and Administration Cabinet and  
18 shall be credited to an agency fund account for the Board of Auctioneers under the  
19 provisions of KRS 45.253 and shall be withdrawn or expended as provided in that  
20 section, if such payment, credit, withdrawal, or expense provisions do not conflict  
21 with any provision of this chapter.

22 (a) The board may establish and collect reasonable fees relating to the  
23 administration and enforcement of this chapter for application or other  
24 processing costs, on-line service, continuing education provider services, copy  
25 and mailing services, or other fees necessary to offset the licensing and  
26 processing costs.

27 (b) The total expenses for all purposes and obligations of the board shall not

1 exceed the total fees, charges, fines, penalties, and other income imposed  
2 under the provisions of this chapter and paid into the state treasury.

3 (c) The board shall be financially self-sustaining, and if funds permit it may  
4 underwrite, within its financial limitations, educational programs for the  
5 enlightenment and benefit of all licensees who have paid fees pursuant to this  
6 chapter.

7 (7) The board shall maintain annually a list of the names and addresses of all licensees  
8 regulated by the board. This list shall also contain the names of all persons whose  
9 licenses have been suspended or revoked within the preceding year, as well as any  
10 other information relative to the enforcement of the provisions of this chapter that  
11 the board may deem of interest to the public.

12 (8) The board may promulgate administrative regulations in accordance with KRS  
13 Chapter 13A as required to fulfill the duties and functions assigned to the board by  
14 this chapter.

15 (9) A board member shall be automatically removed from the board and a vacancy shall  
16 occur when:

- 17 (a) An auctioneer member of the board ceases to be a licensed auctioneer;  
18 (b) A nonlicensed member of the board acquires a license regulated by the board;  
19 (c) A board member enters a plea of guilty, an Alford plea, a plea of no contest to,  
20 or has been convicted of, any felony, and the time for appeal has passed or the  
21 judgment of conviction has been finally affirmed on appeal; or  
22 (d) A board member ceases to be a resident of the Commonwealth of Kentucky.

23 **(10) The Governor shall set the compensation of the members of the board, but voting**  
24 **members of the board shall be compensated no more than three hundred dollars**  
25 **(\$300) per day for official business, subject to an annual maximum of six**  
26 **thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid**  
27 **and incurred in the discharge of official business consistent with the**

1 reimbursement policy for state employees. With the approval of the executive  
2 director for real property boards within the Department of Professional  
3 Licensing, board members and board staff may attend and travel to and from  
4 meetings and events relevant to the board and the industry the board represents.

5 ➔Section 33. KRS 330.130 is amended to read as follows:

6 (1) Before denying an application for license or before imposing any disciplinary action  
7 authorized under KRS 330.110, the board shall set the matter for an administrative  
8 hearing, if a hearing is requested by the applicant or licensee. The hearing shall be  
9 conducted in accordance with KRS Chapter 13B. If the subject of the hearing is an  
10 apprentice auctioneer, the board shall also provide notification of the hearing to the  
11 auctioneer employing the apprentice auctioneer~~[him]~~ or whose employ he or she is  
12 about to enter, by sending notice by certified mail, return receipt requested, to the  
13 auctioneer's last known business address.

14 (2) Pursuant to KRS 13B.120(7), the executive director for real property boards  
15 within the Department of Professional Licensing shall hear and issue a final  
16 order regarding a decision of the board.

17 (3) Any party aggrieved by a final order of the executive director~~[board]~~ refusing to  
18 grant a license or suspending or revoking a license may appeal the final order to the  
19 Circuit Court of the county in which the applicant or licensee resides, in accordance  
20 with KRS Chapter 13B, within thirty (30) days after the issuance of the executive  
21 director's final order.

22 ➔Section 34. KRS 334.170 is amended to read as follows:

23 The Department of Professional Licensing~~[Office of Occupations and Professions]~~ in  
24 the Public Protection Cabinet shall provide administrative aid to the board to assist it in  
25 the discharge of its duties.

26 ➔Section 35. KRS 433.900 is amended to read as follows:

27 As used in KRS 433.900 to 433.906, unless the context otherwise requires:

- 1 (1) "Applicant" means a secondary metals recycler seeking an application for a  
2 certificate of registration with the Department of Professional Licensing~~[Office of~~  
3 ~~Occupations and Professions]~~ of the Public Protection Cabinet, as provided in KRS  
4 433.902. If the secondary metals recycler is owned by a corporation, limited liability  
5 company, partnership, limited partnership, incorporated association, or any other  
6 entity organized for the purpose of engaging in business as a secondary metals  
7 recycler, "applicant" means the officers of these entities;
- 8 (2) "Ferrous metals" means any metal containing significant quantities of iron or steel;
- 9 (3) "Nonferrous metals" means metal not containing significant quantities of iron,  
10 including but not limited to copper, brass, aluminum, bronze, lead, zinc, nickel, and  
11 alloys thereof;
- 12 (4) "Name-based background check" means a statewide search of the centralized  
13 criminal history record information system by the Department of Kentucky State  
14 Police, utilizing the name, date of birth, and Social Security number of the  
15 applicant;
- 16 (5) "Restricted metals" means any of the following metal items:
- 17 (a) Manhole covers;
- 18 (b) Electric light poles or other utility poles;
- 19 (c) Guardrails;
- 20 (d) Street signs, traffic signs, or traffic signals;
- 21 (e) Whole road tiles;
- 22 (f) Funeral markers or funeral vases;
- 23 (g) Railroad equipment, including but not limited to a tie plate, signal house,  
24 control box, switch plate, e-clip, or rail tie junction;
- 25 (h) Condensing or evaporating coils made from copper, aluminum, or aluminum-  
26 copper, including the tubing or rods from a heating or air conditioning unit  
27 that is not from a window air conditioning unit or automobile air conditioning

1 unit;

2 (i) Stainless steel beer kegs;

3 (j) A catalytic converter or any nonferrous part of a catalytic converter unless  
4 purchased as part of a vehicle; or

5 (k) Storm drain covers; and

6 (6) (a) "Secondary metals recycler" means:

7 1. Any person who is engaged in the business of gathering or obtaining  
8 ferrous or nonferrous metals that have served their original economic  
9 purpose or is in the business of performing the manufacturing process by  
10 which ferrous metals or nonferrous metals are converted into raw  
11 material products consisting of prepared grades and having an existing  
12 or potential monetary value;

13 2. Any person who has facilities for performing the manufacturing process  
14 by which ferrous metals or nonferrous metals are converted into raw  
15 material products consisting of prepared grades and having an existing  
16 or potential monetary value, other than by the exclusive use of hand  
17 tools, by methods including but not limited to processing, sorting,  
18 cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or  
19 changing the physical form or chemical content thereof; or

20 3. Any recycler, dealer in junk or metals, dealer in secondhand articles,  
21 vendor of bottles or rags, or collector of or dealer in articles found in  
22 ashes, garbage, or other refuse, whether a dealer, collector, or vendor  
23 operates an established place of business or an itinerant business.

24 (b) "Secondary metals recycler" shall not include a municipal solid waste  
25 department or any entity which has been issued a municipal solid waste  
26 transporter license by the Kentucky Transportation Cabinet and which gathers  
27 or obtains ferrous or nonferrous metals in a vehicle registered in Kentucky to



1 transport solid waste.

2 ➔Section 36. KRS 433.902 is amended to read as follows:

- 3 (1) (a) Each secondary metals recycler shall submit to a name-based background  
4 check as provided in subsection (2) of this section and obtain a certificate of  
5 registration from the Department of Professional Licensing~~[Office of~~  
6 ~~Occupations and Professions]~~ of the Public Protection Cabinet within sixty  
7 (60) days of the effective date of administrative regulations promulgated  
8 pursuant to this section.
- 9 (b) The application for certificate of registration shall be in a form and format  
10 determined by the Department of Professional Licensing~~[Office of~~  
11 ~~Occupations and Professions]~~ of the Public Protection Cabinet and shall  
12 contain at a minimum the following:
- 13 1. The name of the secondary metals recycling business;
  - 14 2. The name or names of each applicant;
  - 15 3. The address of each secondary metals recycling business owned by the  
16 applicant; and
  - 17 4. Contact information for the purposes of KRS 433.906.
- 18 (c) Any person listed on an application for a certificate of registration shall be at  
19 least eighteen (18) years of age prior to the date that the application is  
20 submitted.
- 21 (d) Any corporation, limited liability company, partnership, limited partnership,  
22 incorporated association, or any other entity engaged in business as, or  
23 organized for the purpose of engaging in business as, a secondary metals  
24 recycler submitting an application shall~~[must]~~ be organized and qualified to  
25 do business in the Commonwealth.
- 26 (e) The Department of Professional Licensing~~[Office of Occupations and~~  
27 ~~Professions]~~ of the Public Protection Cabinet shall charge each applicant a

1 reasonable fee established by administrative regulation equal to the actual  
2 administrative costs of processing an application for a certificate of  
3 registration.

4 (f) If an applicant is the owner of more than one (1) secondary metals recycling  
5 location, the Department of Professional Licensing~~[Office of Occupations~~  
6 ~~and Professions]~~ of the Public Protection Cabinet shall charge a fee for each  
7 location that is no greater than the actual administrative costs of processing  
8 the application for certificate of registration. Upon approval of the application,  
9 the Department of Professional Licensing~~[Office of Occupations and~~  
10 ~~Professions]~~ of the Public Protection Cabinet shall issue a certificate of  
11 registration for each location.

12 (g) Each applicant that receives a certificate of registration from the Department  
13 of Professional Licensing~~[Office of Occupations and Professions]~~ of the  
14 Public Protection Cabinet as provided in this section shall be required to pay  
15 an annual renewal fee equal to the actual administrative costs of processing  
16 the renewal of the certificate for registration.

17 (h) The list of secondary metals recyclers registered with the Department of  
18 Professional Licensing~~[Office of Occupations and Professions]~~ of the Public  
19 Protection Cabinet as provided in this section shall be public information and  
20 available upon written request to the Department of Professional  
21 Licensing~~[Office of Occupations and Professions]~~ of the Public Protection  
22 Cabinet.

23 (2) (a) Prior to approval of the application, the Department of Professional  
24 Licensing~~[Office of Occupations and Professions]~~ of the Public Protection  
25 Cabinet shall require a name-based background check on each applicant.

26 (b) Each applicant shall provide written authorization to the Department of  
27 Kentucky State Police to perform a name-based background check and release

1 the results to the **Department of Professional Licensing**~~[Office of~~  
2 ~~Occupations and Professions]~~ of the Public Protection Cabinet.

3 (c) Any request for a name-based background check shall be on a form or through  
4 a process approved by the Department of Kentucky State Police, which may  
5 charge a fee to be paid by the applicant in an amount no greater than the actual  
6 cost of processing the request.

7 (d) The **Department of Professional Licensing**~~[Office of Occupations and~~  
8 ~~Professions]~~ of the Public Protection Cabinet shall not issue a certificate of  
9 registration to an applicant if the name-based background check results reveal  
10 that the applicant has been convicted of, or entered a plea of guilty, an Alford  
11 plea, or a plea of nolo contendere to, a felony involving theft, larceny, dealing  
12 in stolen property, receiving stolen property, burglary, embezzlement, or  
13 obtaining property by false pretenses, any felony drug offense, or knowingly  
14 and intentionally violating the laws of the Commonwealth relating to  
15 registration as a secondary metals recycler.

16 (3) A secondary metals recycler's certificate of registration shall be conspicuously  
17 displayed at the location of the secondary metals recycler listed on the application  
18 for certificate of registration or at each location if the secondary metals recycler  
19 owns more than one (1) business location.

20 (4) The **Department of Professional Licensing**~~[Office of Occupations and Professions]~~  
21 of the Public Protection Cabinet shall promulgate administrative regulations in  
22 accordance with KRS Chapter 13A to implement the provisions of this section.

23 (5) The **Department of Professional Licensing**~~[Office of Occupations and Professions]~~  
24 of the Public Protection Cabinet shall not be responsible for any disciplinary action  
25 against any secondary metals recycler seeking an application for certificate of  
26 registration.

27 ➔Section 37. KRS 433.906 is amended to read as follows:

1 (1) A secondary metals recycler shall maintain at its place of business, or otherwise  
2 have immediate access to, an e-mail address, facsimile, or other equipment of  
3 similar function on which notifications of stolen restricted metals, ferrous metals,  
4 and nonferrous metals may be expeditiously received from law enforcement  
5 officials or electronic metal theft notification systems.

6 (2) The equipment shall be operable at all times during the secondary metal recycler's  
7 customary business hours. The secondary metals recycler shall notify the  
8 **Department of Professional Licensing**~~[Office of Occupations and Professions]~~ of  
9 the Public Protection Cabinet within two (2) days of any change to the contact  
10 information used for the purposes of this section.

11 ➔Section 38. The following KRS section is repealed:

12 324.283 Compensation of commission members.

13 ➔Section 39. Of the initial three appointments made to each of the Real Estate  
14 Commission, Real Estate Appraisers Board, Board of Auctioneers, and Board of Home  
15 Inspectors under Executive Order 2016-859, for each board one board member's term  
16 shall expire on October 31, 2017, one board member's term shall expire on October 31,  
17 2018, and one board member's term shall expire on October 31, 2019. The person  
18 appointed as chair of each of the real property boards in Executive Order 2016-859 shall  
19 remain chair for one full year after the date of appointment. The two additional  
20 appointments to each board required by Sections 17, 26, 27, and 32 of this Act shall be  
21 made by April 15, 2017, and shall complete the five-board-member requirement for each  
22 board, rather than replace the initial appointments made under Executive Order 2016-859.

23 ➔Section 40. Any member of the Real Estate Commission, Real Estate  
24 Appraisers Board, Board of Auctioneers, or Board of Home Inspectors, as those boards  
25 existed and were named on November 30, 2016, may continue to serve the board as a  
26 nonvoting ex officio member until that member's term expires. Upon expiration of a  
27 nonvoting ex officio member's term, the position shall lapse and the number of nonvoting

1 ex officio members shall be reduced accordingly. Nonvoting ex officio members shall be  
2 compensated no more than \$100 per day for official business, subject to an annual  
3 maximum of \$2,000. Nonvoting ex officio members shall be reimbursed for all expenses  
4 paid and incurred in the discharge of official business consistent with the reimbursement  
5 policy for state employees.

6 ➔Section 41. All active personnel employed by the Real Estate Commission, Real  
7 Estate Appraisers Board, the Board of Auctioneers, and the Board of Home Inspectors on  
8 November 30, 2016, as those boards existed and were named on that date, shall remain  
9 employees of their respective boards if they otherwise remain qualified for employment.

10 ➔Section 42. The General Assembly confirms Executive Order 2016-859, dated  
11 December 1, 2016, to the extent not otherwise confirmed or superseded by this Act.

12 ➔Section 43. Whereas the effective and efficient transfer of authority regarding  
13 real property occupations is crucial to those occupations and to the state economy, an  
14 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
15 the Governor or upon its otherwise becoming a law.